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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,193	07/31/2003	Grant E. Randall SR.	60246-225; 10,129	2187

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,193

Applicant(s)

RANDALL ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,9,10,13-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9,13-18,20 and 22 is/are rejected.
- 7) ☒ Claim(s) 10 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of DeWitt. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). For claim 1, Montes fails to teach that two of the connectors are located transverse to each other. DeWitt teaches panels (10-13) having connectors (16,18) located transverse to each other. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by DeWitt, to increase the ways in which the panels can be attached to other panels to form a structure.

Claims 1, 9, 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Montes. DeWitt teaches more than three panels (10-13) to form a cooler/refrigerator, each panel with a first skin (21,22), a second skin (21,22), insulation (20) and connectors (16,18) located transverse to each other. For claims 1 and 13, DeWitt fails to teach flexible snap fit connectors. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work

equally well between the panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Montes and Anderson. DeWitt teaches more than three panels (10-13) to form a cooler/refrigerator, each panel with a first skin (21,22), a second skin (21,22), insulation (20) and connectors (16,18) located transverse to each other. First for claim 17, DeWitt fails to teach flexible snap fit connectors. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work equally well between the panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment. Second for claim 17, DeWitt fails to teach a curved flange which covers the seams between the panels. Anderson teaches a curved flange (25) inserted between attached panels to hide the seam created there between. It would have been obvious to one have ordinary skill in the art at the time of the invention to modify the assembly of DeWitt in view of Montes by adding seams, such as the seams taught by Anderson there between, for the advantage stated above.

Claims 1, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of Edgar. Montes teaches insulation panels (10,12) each with a first skin (20), a second skin (20), insulation (14) and flexible snap-fit connectors (40,41). For claims 1 and 20, Montes fails to teach that two of the connectors are located transverse to each other and to a longitudinal axis of the insulating body. Edgar teaches more than three panels (Fig. 2) to form a structure, several panels (D) having connectors located transverse to each other (see Fig. 2; D right lower portion). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by Edgar, to increase the ways in which the panels can be attached to other panels to form a structure.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montes in view of Edgar as applied to claims 1, 9, and 20 above, and further in view of DeWitt. As stated above, Edgar teaches the limitations of claim 20, including a panel with an insulating body. For claim 22, Montes in view of Edgar fails to teach that the body is specifically made of foam. DeWitt teaches a panel wherein the insulating body is made of foam (see abstract). It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to use foam as the material for the insulation body of Montes in view of Edgar, such as is taught by DeWitt, to provide good insulating, light weight and well known material in the panel.

***Allowable Subject Matter***

Claims 10 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed September 13, 2006 have been fully considered but they are not persuasive.

Addressing the arguments concerning the art rejection of Montes in view of DeWitt: as stated above, it would have been obvious to one having ordinary skill in the art to modify the panels of Montes by positioning its snap-fit connectors transversely to each other, such as is taught by DeWitt, to increase the ways in which the panels themselves can be attached to other panels to form a structure. The examiner contends that two snap-fit connectors would be located on same panel unit of Montes in view of DeWitt, i.e. two snap-fit protruding connectors 41 of Montes would be located on the panel as shown by the protruding connectors 16,18 of DeWitt. (the mating portions 40 being located on the remaining two edges of the panel and on surfaces or edges of additional panels similar to panel 12 (see at 19) and 11 of DeWitt). Furthermore, DeWitt demonstrates (and provides proof) that it is general knowledge to one having ordinary skill in the art to have multiple protruding connecting members on the same panel which are also perpendicular to each other to provide panels that can be attached to adjacent panels in a manner to form a structure (see Fig 1). To use this connector configuration

on the panels of Montes would have been an obvious consideration. Finally, it should be noted that DeWitt, in this combination, is only being used for its connector arrangement. Its panel composition is irrelevant.

Addressing the arguments concerning the art rejection of Dewitt in view of Montes: as stated above, it would have been obvious to one having ordinary skill in the art to modify the panels of DeWitt by using alternate connectors thereon, i.e. using the flexible snap-fit connectors of Montes instead of the tongue and groove connectors presently used, since these connectors are functionally equivalent and it would appear that either type of connector would work equally well between the panels of DeWitt. Furthermore, the snap-fit connectors of Montes, if used on the panels of DeWitt, would provide a more secure attachment. As for the material make up of the panels: first, no limitations directed to such are found in the claims and second, the examiner contends that plastic or metal could be used to form the snap-fit connectors found in Montes. Therefore, the ends of DeWitt would be provided with snap-fit outer members made of plastic, if desired. See reference of Rijnders (4,236,366; column 2, lines 51-55) wherein it is disclosed that the skins of panels can be either metal or plastic and that the snap-fit connectors can be plastic (ends 12 of plastic members 11 and member 15). Furthermore, please note that in lines 17-20 of DeWitt, prior art panels having ends not covered by outer sheet metal layers and having tongue and groove connectors with latches are being discussed, not the invention/panel construction of DeWitt which disclosing plastic layers and closed ends with no latches.

Addressing the arguments concerning the art rejection of Montes in view of Edger: as stated above, it would have been obvious to one having ordinary skill in the art to modify the panels of Montes by positioning connectors transversely to each other, such as is taught by Edger, to increase the ways in which the panels can be attached to other panels to form a structure.

In response to applicant's argument that Edger is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Edger and Montes teach connecting panels. Edger demonstrates (and provides proof) that it is general knowledge to one having ordinary skill in the art to have multiple protruding connecting members on the same panel which are also perpendicular to each other to provide panels that can be attached to adjacent panels in a manner to form a structure (see Fig 2). To use this connector configuration on the panels of Montes would have been an obvious consideration. Finally, it should be noted that Edger, in this combination, is only being used for its connector arrangement. Its panel composition is irrelevant.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

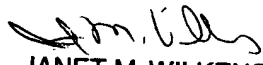
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens  
November 17, 2006

  
JANET M. WILKENS  
PRIMARY EXAMINER  
Art Unit 3637